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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,
Plaintiff,

vs.

BLENDJET INC., a Delaware corporation,
Defendant.

**RESPONSE TO ORDER TO SHOW
CAUSE AND UNOPPOSED MOTION
REGARDING DISCOVERY**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell

Magistrate Judge Dustin B. Pead

Plaintiff Blendtec Inc. (“Blendtec”) hereby responds to the Court’s order to show cause set forth in the Court’s Memorandum Decision and Order entered May 21, 2025, as Dkt. No. 213 (the “Order to Show Cause”).

Although Blendtec did not intend to split its claims when it filed Case No. 2:25-cv-96-RJS-DBP (the “2025 Action”), Blendtec does not oppose the dismissal of this action and will pursue its claims against Blendjet and Mavorco in the 2025 Action. In the Court’s Order to Show Cause, the Court stated that:

To the extent that Blendtec is concerned about the discovery that has already occurred in the 2021 Action, the parties may simply agree (or the court may order) that the same discovery will be available to the parties in the 2025 Action.

Dkt. 213 at p. 5. The Court is correct that Blendtec was concerned about using the discovery in the 2021 Action in the 2025 Action. Counsel for MavorCo in the 2025 Action has advised Blendtec that MavorCo does not object to discovery from the 2021 Action being made available to the parties in the 2025 Action. *See*, **Exhibit A** (email confirmation with counsel). The confidentiality designations (CONFIDENTIAL INFORMATION and CONFIDENTIAL INFORMATION - ATTORNEYS' EYES ONLY) made by the parties in the 2021 Action pursuant to the Court's Standard Protective will be governed by the Court's Standard Protective Order in the 2025 Action. Blendtec and Mavorco intend to submit a stipulation to that effect in the 2025 Action as soon as the Court enters an order permitting discovery in the 2021 Action to be used in the 2025 Action. As Blendjet has defaulted in this action and is not represented, Blendtec's request that the 2021 Action discovery be made available in the 2025 Action is unopposed.¹ For these reasons, Blendtec respectfully requests that the Court enter the proposed order submitted herewith ordering that discovery from this action be transferred to and made available to the parties in the 2025 Action.

Respectfully submitted this 29th day of May, 2025.

DORSEY & WHITNEY LLP

/s/ Tamara L. Kapaloski

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¹ In an abundance of caution, Blendtec emailed Ryan Pamplin, former CEO of Blendjet, about using discovery in the 2021 Action in the 2025 Action, but his response reflected Blendjet's inability to act. *See* **Exhibit B** (email exchange with Blendtec's counsel and Ryan Pamplin)

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May, 2025, a true and correct copy of the foregoing was served on counsel of record via the Court's CM/ECF system.

/s/ Tamara L. Kapaloski